

Senate Bill No. 630

CHAPTER 138

An act to amend Section 7155.7 of the Health and Safety Code, relating to anatomical gifts.

[Approved by Governor August 29, 2005. Filed with
Secretary of State August 29, 2005.]

LEGISLATIVE COUNSEL'S DIGEST

SB 630, Dutton. Anatomical gifts: organs: inquests.

Existing law, until January 1, 2006, authorizes the county medical examiner or coroner to permit or deny removal of organs that constitute an anatomical gift from a decedent who died under circumstances requiring an inquest, on request from a qualified procurement organization, if certain conditions are met depending upon whether an autopsy is or is not required. Existing law requires the medical examiner or coroner to be present during the removal procedure under certain circumstances and requires the qualified procurement organization requesting removal of the organ, upon the request of the medical examiner or coroner, to reimburse the medical examiner or coroner for the actual costs incurred in being present during the removal procedure.

This bill would delete the January 1, 2006, repeal date, thereby extending the operation of these provisions indefinitely. To the extent the continuance of these procedures establish additional duties for county medical examiners and coroners, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 7155.7 of the Health and Safety Code is amended to read:

7155.7. (a) On request from a qualified procurement organization, the county medical examiner or coroner may permit the removal of organs that constitute an anatomical gift from a decedent who died under circumstances requiring an inquest by the medical examiner or coroner.

(b) If no autopsy is required, the organs to be removed may be released to the qualified procurement organization.

(c) If an autopsy is required and the county medical examiner or coroner determines that the removal of the organs will not interfere with the subsequent course of an investigation or autopsy, the organs may be released for removal. The autopsy shall be performed following the removal of the organs.

(d) Except in cases where there is no known next of kin or when a person dies in the custody of a law enforcement agency, if the medical examiner or coroner is considering withholding one or more organs of a potential donor for any reason, the medical examiner or coroner, or his or her designee, upon request from a qualified organ procurement organization, shall be present during the procedure to remove the organs. The medical examiner or coroner, or his or her designee, may request a biopsy of those organs or deny removal of the organs if necessary. If the county medical examiner or coroner, or his or her designee, denies removal of the organs, the county medical examiner or coroner may do both of the following:

(1) In the investigative report, explain in writing the reasons for the denial.

(2) Provide the explanation to the qualified organ procurement organization.

(e) If the county medical examiner or coroner, or his or her designee, is present during the removal of the organs, the qualified procurement organization requesting the removal of the organ shall reimburse the county of the medical examiner or coroner, or his or her designee, for the actual costs incurred in performing the duty specified in subdivision (d), if reimbursement is requested by the county medical examiner or coroner. The payment shall be applied to the additional costs incurred by the county medical examiner's or coroner's office in performing the duty specified in subdivision (d).

(f) The health care professional removing organs from a decedent who died under circumstances requiring an inquest shall file with the county medical examiner or coroner a report detailing the condition of the organs removed and their relationship, if any, to the cause of death.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.